

JUN 08 2007

Application No. 10/814,938

REMARKS

Claims 1-37 are pending, claims 1-23 are withdrawn from consideration and claims 24-37 stand rejected.

Double Patenting Rejections

The Examiner provisionally rejected claims 24-37, or in the alternative, claims 24-29, on the ground of nonstatutory obviousness-type double patenting over claims of U.S. Patent No. 7,115,347; U.S. Patent No. 6,768,010; copending Application No. 10/900785 (now Published Application No. 2006/0024599A1); 10/864,980 (now Published Application No. 2005/0277038); 10/832,596 (now Published Application No. 2005/0238978); and 10/775,429 (now Published Application No. 2004/0219446).

An obviousness-type double patenting rejection should make clear the differences between the inventions defined by the conflicting claims – a claim in the patent (or application in the case of provisional double-patenting rejection) compared to a claim in the application and the reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue would have been an obvious variation of the invention defined in a claim in the patent. (See MPEP §804.) It is respectfully asserted that such an analysis of the presently claimed invention to each of the subject issued patents or copending applications has not been provided in the Office Action. The information provided regarding the issued patents and copending applications is rather general and alleges that although the conflicting claims are not identical, they are not patently distinct from each other.

To further prosecution, appropriate Terminal Disclaimers are submitted herewith to overcome the above rejections to claims 24-37, or in the alternative, claims 24-29, on the ground of nonstatutory obviousness-type double patenting. Reconsideration and withdrawal of the rejection of claims 24-37, or in the alternative, claims 24-29, on the ground of nonstatutory obviousness-type double patenting over claims of U.S. Patent No. 7,115,347; U.S. Patent No.

Application No. 10/814,938

6,768,010; copending Application No. 10/900785 (now Published Application No. 2006/0024599A1); 10/864,980 (now Published Application No. 2005/0277038); 10/832,596 (now Published Application No. 2005/0238978); and 10/775,429 (now Published Application No. 2004/0219446) are respectfully requested.

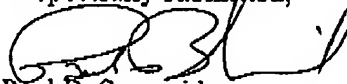
The Examiner asserted that the method for forming a polymeric charge transport material of claims 30-37 forms different charge transport materials than the charge transport material of claims 24-29. The Examiner asserted that Applicants claim of a material has an n as 1 and no reactive ring groups. However, the value for " n " in independent claim 24 is "a distribution of integers *between* 1 and 100,000 with an average value of greater than one." Based upon this description, the first integer between 1 and 100,000 must be the integer 2. The value for " n " cannot be the integer 1, based upon the above description.

Further, the application at page 25 shows the relationship of a charge transport material having two reactive ring groups (step 4) and a charge transport material comprising a polymer (Formula I of step 4), demonstrating the relationship between X_3 , X_4 and X_1 and X_2 . In addition, at page 29, lines 14-21, there is described the relationship between X_3 , X_4 and X_1 , X_2 , respectively. As noted in the application, X_1 and X_2 in Formula (I) are produced by the two ring-opening reactions between X_3 - E_1 and Q_3 , and between X_4 - E_2 and Q_4 . X_1 and X_2 may be parsed based on X_3 , E_1 , Q_3 , X_4 , E_2 , and Q_4 in many different ways reasonable to a person skill in the art. A non-limiting example of reasonable parsing is that X_1 is X_3 - E_1 '- Q_3 ' where E_1 '- Q_3 ' is the ring-opening reaction product between E_1 and Q_3 ; and X_2 is X_4 - E_2 '- Q_4 '- Z where E_2 '- Q_4 ' is the ring-opening reaction product between E_2 and Q_4 . Another non-limiting example of reasonable parsing is that X_1 is X_3 ; and X_2 is X_4 - E_2 '- Q_4 '- Z - Q_3 - E_1 ' where E_2 '- Q_4 ' is the ring-opening reaction product of E_2 and Q_4 and E_1 '- Q_3 ' is the ring-opening reaction product between E_1 and Q_3 . Hence, the method for forming a polymeric charge transport material of claims 30-37 does not form a different charge transport material than the charge transport material of claims 24-29.

Application No. 10/814,938

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Paul B. Savereide

Registration No. 36,914

Customer No. 24113

Patterson, Thuent, Skaar & Christensen, P.A.

4800 IDS Center

80 South 8th Street

Minneapolis, Minnesota 55402-2100

Telephone: (612) 252-1550